

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Rodgers Dennis Joyner

Docket No. 5:15-CR-231-1BO

Petition for Action on Probation

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Rodgers Dennis Joyner, who, upon an earlier plea of guilty to False Statements to Obtain Federal Employees' Compensation, in violation of 18 U.S.C. § 1920, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 1, 2016, to 1 year term of probation.

On July 25, 2016, a Violation Report was submitted advising that the defendant was charged in Wilson County, North Carolina, with No Operator's License and Reckless Driving to Endanger (16CR1552). Additionally, Joyner failed to notify the probation officer within 72 hours of his contact with law enforcement as required. The probation officer confirmed with the North Carolina Department of Transportation that his license was valid. Joyner denied guilt, and the court agreed to continue supervision until adjudication. On October 25, 2016, a Violation Report was submitted advising that Joyner was charged in Wilson County, North Carolina, with Misdemeanor Larceny after reportedly stealing a chain saw from a local pawnshop. Joyner admitted to purchasing several items and thought that he paid for all the items. The chainsaw, having a value of \$120, was returned. Joyner advised the probation officer that he was going to plead not guilty. The probation officer recommended to continue supervision until adjudication.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 21, 2016, the defendant pled guilty to Misdemeanor Larceny in Wilson County, North Carolina (16CR53665). Joyner received a prayer for judgment and was ordered to pay \$180 court costs. On January 17, 2017, the defendant was found guilty of Reckless Driving to Endanger in Wilson County District Court (16CR1552). The companion charge of No Operator's License was dismissed. He was given a seven day sentence, suspended, and was placed on unsupervised probation for a period of one year. Further, he was ordered to pay \$190 court costs. As a sanction for these violations, the probation office is recommending that he be placed on 30 days curfew with electronic monitoring. It is further recommended that his term of probation be extended for 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
2. The defendant's term of probation shall be extended from February 28, 2017, until May 28, 2017.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: January 31, 2017

ORDER OF THE COURT

Considered and ordered this 6 day of February, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge